

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SIVA KUMARAN and THE A STAR
GROUP, INC. d/b/a TIMETRICS,

Plaintiffs,

-against-

NORTHLAND ENERGY TRADING, LLC,
HEDGE SOLUTIONS, INC. RICHARD M. LARKIN,
DANIEL LOTHROP, and DOMENIC BRAMANTE,

Defendants.

Case No. 1:19-cv-08345-MKV-DCF

**DECLARATION OF ELLEN
TOBIN, ESQ. IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR A
PROTECTIVE ORDER**

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DECLARATION OF ELLEN TOBIN, ESQ.

I, ELLEN TOBIN, declare as follows:

1. I am a partner with the law firm of Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, counsel to defendants in this action. I am admitted to practice law in the State of New York and the United States District Court for the Southern District of New York. I have knowledge of the facts herein.

2. I respectfully submit this declaration in support of defendants' response to plaintiffs' motion for a protective order.

3. Attached as Exhibit "A" is a true and correct copy of Defendants' proposed *Stipulated Confidentiality and Protective Order*, which Defendants respectfully request approval of in this case.

4. Attached as Exhibit "B" is a true and correct copy of the "blackline"/comparison version of Defendants' proposed *Stipulated Confidentiality and Protective Order*, compared to the proposed "Confidentiality Agreement and Protective Order for Trade Secrets and Highly Sensitive Confidential Information" submitted by Plaintiffs in support of their application (see

ECF No. 54-2).

5. Attached as Exhibit “C” is a true and correct copy of an email from plaintiff Samantha Kumaran (“Plaintiff”) to the undersigned dated February 28, 2020, and the undersigned’s response email to Plaintiff dated March 2, 2020 (without the attachments), re: “Request for Meet and Confer / Stipulated Protective Order.”

6. Attached as Exhibit “D” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated March 9, March 10, March 11 and March 12, 2020, re: “Redline.”

7. Attached as Exhibit “E” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 3, and June 4, 2020, re: “4pm Thursday please confirm[.]”

8. Attached as Exhibit “F” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 2, and June 3, 2020, re: “4pm Wednesday works” and “Protective Order – Docket 36.”

9. Attached as Exhibit “G” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 8, and June 9, 2020, re: “Protection Trade Secrets.”

10. Attached as Exhibit “H” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 9, 2020, re: “Protective Order – No Confidential Data for Defendants.”

11. Attached as Exhibit “I” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 9, 2020, re: “Protective Order – Competitors.”

12. Attached as Exhibit “J” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 9, 2020, re: “Protective Order – Competitors.”

13. Attached as Exhibit “K” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 9, 2020, re: “Protective Order – No Confidential Data for Defendants.”

14. Attached as Exhibit “L” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, and June 9, 2020, re: “Protective Order – No Confidential Data for Defendants.”

15. Attached as Exhibit “M” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 9, and June 11, 2020, re: “Compromise language for transcripts.”

16. Attached as Exhibit “N” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 5, June 9, and June 11, 2020, re: “Protective Order – No Confidential Data for Defendants.”

17. Attached as Exhibit “O” is a true and correct copy of a series of emails between Plaintiff and the undersigned dated June 12, June 15, and June 16, 2020, re: “Protective Order.”

18. Attached as Exhibit “P” is a true and correct copy of an email from the undersigned to Plaintiff dated June 16, 2020, re: “Kumaran, et al. v. Northland Energy Trading, LLC et al / proposed confidentiality stipulation” (without the attachments).

19. Attached as Exhibit “Q” is a true and correct copy of emails between Plaintiff and the undersigned dated June 16, 2020, re: “Kumaran, et al. v. Northland Energy Trading, LLC et al / proposed confidentiality stipulation.”

20. Attached as Exhibit "R" is a true and correct copy of an email from Plaintiff to the undersigned dated June 22, 2020, re: "Protective Order (Word doc attached)" (without the attachment).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 1st day of July, 2020.

Ellen Tobin

ELLEN TOBIN